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REMARKS

Claims 12-17 are presently pending in the Application and the Examiner rejects claims 12-17 under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. In particular, the Examiner refers to the recitation of "a hydraulic actuating device" and "a clutch for a motor vehicle" as comprising conflicting limitations.

The rejected claims are accordingly amended by the above amendment to claim 12 to eliminate the recitation of "a clutch for a motor vehicle", thereby eliminating the conflicting limitations, and all of the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case. In view of the above claim amendments, the Applicant requests that the Examiner reconsider and withdraw all rejections of claims 12-17 under 35 U.S.C. § 112.

The Applicant thanks the Examiner for indicating that claims 14 and 15 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claim(s) and to overcome the above discussed rejection under 35 U.S.C. § 112. In accordance with this indication, claims 14 and 15 are appropriately revised herein above to be independent claims incorporating all limitations of base claim 12 and any intervening claims, and the resulting independent claims 14 and 15 are now believed to be allowable. The Applicant therefore respectfully requests that the Examiner now find amended independent claims 14 and 15 allowable.

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Lastly, the Examiner rejects claims 12, 13, 16 and 17 under 35 U.S.C. § 102(b) as being anticipated by Macht et al. '185. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

In particular, the Applicant respectfully disagrees with the Examiner's interpretation of Macht et al. '185 with regard to the arrangement and operation of Macht et al. '185's valves 32 and 116 and hydraulic line branch 118 and their connection and operation with respect to Macht et al. '185's fluid supply unit 36 and the pistons 22, 18 of the Macht et al. '185 actuating device. In this regard, it will be noted that the Applicant amended claim 12 to more explicitly recite the fundamental distinctions between the present invention and Macht et al. '185 in this regard.

More specifically, according to the present invention, as recited in amended claim 12, the valve 25 that delivers an essentially constant volume flow to the actuating device is connected from fluid supply unit 24 such that the recited line branch 34 is located "downstream" of the fluid supply unit with one branch of line branch 24 being connected to the connections section 22 of release cylinder 5 to actuate the pistons 14, 16 therein. The other branch of line branch 24, however, is connected to equalization impulse valves 32, 33 which are thereby connected downstream from the line branch 34 which operate to allow a flow of the fluid from the valve 25 to a collection tank 37 so that the operation of valve 25 and equalization valves 32, 22 create the desired pressure potential at line branch 24 for filling of the filling space between pistons 14, 16.

In Macht et al. '185, and fundamental contrast from the system of the present invention, the line branch (34) is located "upstream" from a first valve 32 that supplies the emitter and receiver pistons 22, 18 of the actuating device, instead of "downstream" of a valve 25 supplying the actuating device as in the present invention. As a consequence, and in complete contrast

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from the present invention as recited in claim 12, Macht et al. '185's first valve 32 thereby cannot play a role in controlling the pressure present at the line branch 34.

In addition, the other valve 116 connected from the line branch 34 in Macht et al. '185 is not connected to a collection tank, as in the present invention, but is instead connected to another control input of the pistons 16, 22 of the actuating device. In contrast, to the equalization valves 32, 33 of the present invention, therefore, Macht et al. '185's valve 116 likewise cannot play a role in controlling the pressure present at the line branch 34 but instead provides a different actuating pressure to the actuating device.

In a still further fundamental distinction between the present invention and Macht et al. '185, it must be noted that the Macht et al. '185 system does not in fact have a path to drain fluid from the line branch in such a manner as to regulate the pressure at the line branch and thus the pressure to the actuator device. Instead, the Macht et al. '185 system has a path through valve 32 to provide fluid pressure to the actuator device and a functionally separate path 42, 44 that is used to drain fluid from the actuator device. As clearly shown by Macht et al. '185, this drain path in fact passes through valve 32 and uses the same line 42 that is used to provide fluid from the valve 32 to the actuator device with the function of the path, that is, to fill or drain the actuator device, being determined by which of two states the valve 32 is switched to. As a consequence, however, in the Macht et al. '185 system the valve 32 cannot be used in conjunction with any other valve, such as valve 116, to regulate the pressure at either the line branch or to the actuator device for several reasons.

First, the line branch is not connected to the drain path, but is on the opposite side of the valve 32 and cannot be connected to the drain path when the valve 32 is switched to drain fluid from the actuator device. Secondly, the valve 32 has two mutually exclusive states to that it must be used to either provide fluid to the actuator device or to drain fluid from the actuator

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device and therefore cannot be used to regulate the pressure to the actuator device in the manner of the equalizer valves 32, 33 of the present invention.

It is therefore that Applicant's belief and position that the present invention as recited in claim 12 as amended herein above is fully and patentably distinguished over and from the teachings of Macht et al. '185 for at least the reasons discussed herein above and, for this reason, the Applicant respectfully requests that the Examiner reconsider and withdraw all rejections of claim 12, under 35 U.S.C. § 102, over Macht et al. '185, and allow claim 12 as amended herein above.

In addition, the recitations and limitations of claim 12 as amended herein above are incorporated into claims 13, 16 and 17 by dependency from claim 12, so that claims 13, 16 and 17 are fully and patentably distinguished over and from the teachings of Macht et al. '185 under 35 U.S.C. § 102 for at least the same reasons that claim 12 is patentably distinguished over and from Macht et al. '185. The Applicant, therefore, respectfully requests that the Examiner reconsider and withdraw all rejections of claims 13, 16 and 17, and allow claims 13, 16 and 17.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Macht et al. '185 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be

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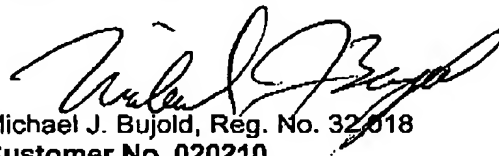
withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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